S.B.Cr.Misc. Bail App. No. 4540/2007
(Smt. Keshar Devi & Anr. Vs. State of Rajasthan)

Date of order : 17/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. C.P.Soni for the petitioners.
Mr. V.R.Mehta, Public Prosecutor.
Mr. B.S.Rathore for the complainant.

Heard learned counsel for the petitioner and the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioners that the deceased herself committed suicide not on account of any harassment to her.

Learned public prosecutor and the counsel appearing for the complainant submit that there are statements of various witnesses recorded by the police under Section 161 Cr.P.C. stating therein that the deceased was subjected to cruelty and harassment in connection with demand of dowry.

On perusal of the challan papers, it appears that some of the witnesses though stated that the deceased was subjected to cruelty and harassment in connection with demand of dowry, however, there is one set of witnesses who stated that though the deceased used to be harassed by her husband and mother-in-law but it was not in connection with demand of dowry.

Be that as it may, there are specific allegations against the petitioners that they used to harass the deceased and subject her to cruelty. The marriage between the petitioner No.2 and the deceased

was solemnized in the year 2002 and she died within seven years of her marriage at in-laws house otherwise than in normal circumstances. In the circumstances, therefore, it cannot be said at this stage that the deceased was not subjected to cruelty or harassment.

So far as the petitioner No.2 Om Prakash is concerned, he is husband of the deceased and there being evidence against him subjecting the deceased to cruelty and harassment, in my view, it is not a fit case at this stage to release the petitioner NO.2 on bail. The bail application filed by petitioner No.2 Om Prakash under Section 439 Cr.P.C. is therefore, dismissed.

However, so far as the petitioner No.1 Smt. Keshar Devi is concerned, she is mother-in-law and lady and before the trial court, a statement was made by counsel for the complainant that the deceased left behind two children and if Smt. Keshar Devi is released on bail, the complainant would have no objection. This appears in the order of the learned Sessions Judge, Balotra dated 6.9.2007. Keeping in view the evidence available on record and the fact that the deceased left behind two children and there being no lady to take care of those children and even before the learned Sessions Judge, Balotra, learned counsel appearing for the complainant did not object granting of bail to petitioner NO.1, I consider it just and proper to enlarge the petitioner No.1 Smt. Keshar Devi on bail.

Accordingly, this bail application filed by petitioner No.1 under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Smt. Keshar Devi W/o Shri Amra Ram be released on bail in CR No. 80/07 P.S. Sindhari, district Barmer, provided she executes a personal bond

for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP